

To: "Paul Robershotte" [Paul.j.robshotte@usace.army.mil]; N=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Tue 6/28/2011 2:47:32 PM
Subject: Re: Army/ Corps Regulatory Program and CA Bay Delta (UNCLASSIFIED)

Thanks for sharing this Paul. Overall, I think its excellent. From my perspective, a few of the points at the end may be overstated, but they no doubt accurately reflect SPK's experience.

----- Original Message -----

From: "Robershotte, Paul J SPD" [Paul.J.Robershotte@usace.army.mil]
Sent: 06/28/2011 07:17 AM MST
To: Karen Schwinn; Tom Hagler
Subject: FW: Army/ Corps Regulatory Program and CA Bay Delta (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Karen & Tom:

Chip Smith sent this to CEQ & DOI. Interested in your take. My sense is that there is a lot of good information, and a couple strongly worded bullets toward the end.

Best
Paul

-----Original Message-----

From: Smith, Chip R Mr CIV USA ASA CW
Sent: Tuesday, June 28, 2011 8:17 AM
To: Feller, Erika
Cc: 'Letty Belin'; Finch, Kelly Ms CIV USA ASA CW; Salt, Terrence C SES CIV USA ASA CW; Lee, Let Mon Mr CIV USA ASA CW; Kelley, Moira L Ms CIV USA ASA CW; Boots, Michael J.
Subject: Army/ Corps Regulatory Program and CA Bay Delta (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Erika and Letty:

The Regulatory Program, and compliance with the Rivers and Harbors and Clean Water Acts, can be a bit complex and challenging to understand.

This is especially true for something like the Bay Delta with its many objectives, players, issues, and options being considered. I have developed, with the assistance of the Corps, an overview presentation that consists of two parts: Part 1 is Regulatory 101; and, Part 2 is how Regulatory might apply to the Bay Delta. I hope this PP can serve as a reference for your agencies and anyone interested in the subject.

I would be happy to walk you or agency staff through this presentation if you think it would help, and answer questions.

Some key take-aways would be: keep Regulatory action local, Corps District Commanders make final permit decisions; get the Corps MOU signed to help kick off team-building, collaboration and integration; focus on educating one another on our missions, authorities, and policies to avoid or solve problems most efficiently; work with the State to increase the use of the WRDA 2000 Section 214 authority to fund dedicated regulatory positions at Sacramento district to focus on Bay Delta permitting; and, look for ways to start moving information on the BDCP and its parts to the Corps so they can start working on specific permit actions. The biggest challenge right now seems to be that the Corps does not have an applicant or a complete application to work with, it is unclear exactly what project or projects will need 10/404 permits, and the BDCP purpose and need statement is still in a state a flux, albeit close to resolution I hear.

Chip Smith
Office of the Assistant Secretary
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